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February 5, 2020

VIA ECF

The Honorable Stewart D. Aaron
United States Magistrate Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

RE: Contant, et al. v. Bank of Am. Corp., et al., No. 17-cv-3139-LGS (S.D.N.Y.)

Dear Judge Aaron:

This office represents non-party Forex Capital Markets, LLC ("FXCM") in connection with subpoenas served by the Plaintiffs and Defendant HSBC in the above action. Pursuant to your January 14, 2020 Order (ECF No. 379), counsel for Plaintiffs, HSBC, and FXCM (collectively, the "Parties") respectfully submit this joint letter regarding the pending motions to compel. As Your Honor will recall, on December 16, 2019, following a telephone conference with the Parties, Your Honor ordered that the Parties shall file a joint letter regarding any remaining disputes as to the scope of the production by FXCM and setting forth:

(1) the portion of the anticipated production that falls within the scope of both Plaintiffs' and Defendants' subpoenas and the anticipated cost of production; (2) the portion of the anticipated production that is specific to Plaintiffs' subpoena and an estimate of the additional cost as to the Plaintiffs-only portion; and (3) the portion of the anticipated production that is specific to Defendants' subpoena and an estimate of the additional cost associated with the Defendants-only portion.

ECF No. 367.

Since the December 16, 2019 teleconference, the Parties have been able to agree on the scope of the production by FXCM. Additionally, counsel for the Parties have met and conferred, and are continuing to do so, in attempt to resolve the issues concerning the reimbursement of production costs and attorneys' fees in connection with FXCM's compliance with the subpoenas. The Parties are optimistic that they will be able to work out an appropriate apportionment on their own.

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Accordingly, pursuant to Rule I.D of Your Honor's Individual Practices, counsel for the Parties jointly request an additional four weeks until March 5, 2019 to resolve any issues concerning production costs and attorneys' fees and to report back to the Court concerning the Parties' efforts.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barry", with a stylized flourish at the end.

Barry Temkin